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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 SHAMEEKA PAIGE, individually and on
16 behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 ENHANCED RECOVERY COMPANY,
20 LLC,

21 Defendants.

CASE NO. 2:18-cv-00886-APG-CWH

**[PROPOSED] STIPULATION TO
ENLARGE DISCOVERY PLAN AND
SCHEDULING ORDER (FIRST REQUEST)**

22 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record,
23 hereby stipulate and request that this Court extend discovery in the above-captioned case by
24 approximately sixty days (60) days. In addition, the parties request that the dispositive motion and
25 pretrial order deadlines be extended as outlined herein.

26 On March 6, 2019, Defendant's and Plaintiff's counsel met and conferred regarding the
27 request for extending the discovery deadlines, pursuant to this Court's Order, Document No. 17,
28

1 issued September 19, 2019. The parties agreed to extend the discovery deadlines as discussed further
2 below.

3 In support of this Stipulation and Request, the parties state as follows:

- 4 1. Plaintiff filed his Complaint on May 16, 2018.
- 5 2. On June 26, 2018, Defendants filed their Answer to Plaintiff's Complaint.
- 6 3. On September 17, 2018, the parties prepared and filed their Proposed Discovery Plan and
7 Scheduling Order. The current discovery cut-off date is March 25, 2019.
- 8 4. The Parties have exchanged Initial Disclosures.
- 9 5. Plaintiff and Defendant propounded written discovery requests on February 8, 2019.
10 Plaintiff and Defendant each need additional time to respond to discovery. Thus, they
11 have agreed to serve discovery responses by March 18, 2019.
- 12 6. On February 8, 2019, Plaintiff served a Notice of Taking Defendant's Deposition pursuant
13 to F.R.Civ.P. 30(6)(b). The deposition is noticed for March 19, 2019. Due to scheduling
14 conflicts, Defendant and Defendant's counsel's need to reschedule the March 19, 2019
15 deposition to a date after March 27, 2019.
- 16 7. On March 6, 2019, Defendant served a Notice of Taking Plaintiff's Deposition. The
17 deposition is noticed for March 18, 2019.
- 18 8. The parties have engaged in settlement negotiations and are continuing to engage in
19 settlement discussions to avoid unnecessary further costs of litigation.

20
21 **DISCOVERY REMAINING**

- 22 1. Plaintiff's deposition
- 23 2. Defendant's deposition
- 24 3. Deposition of any individuals identified in discovery responses

25 This Request for an extension of time is not sought for any improper purpose or other purpose
26 of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to
27 attempt to resolve this matter and, if that cannot be accomplished, to finish conducting all necessary
28 and appropriate discovery within the extended discovery period.

1 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

2 The parties are currently in ongoing negotiations to attempt to resolve this matter and believe
3 the additional time request will allow for further good faith effort to settle the claims. The additional
4 requested time will allow Plaintiff and Defendants to review discovery responses and prepare for
5 either depositions or file dispositive motions if settlement negotiations are unsuccessful. Further, due
6 to Defendant and Defendant's counsel's scheduling conflicts, Defendant is not available for deposition
7 until after March 27, 2019.

8
9 **SHOWING OF GOOD CAUSE**

10 Pursuant to LR 26-4,

11 A motion or stipulation to extend a deadline set forth in a discovery plan must be
12 received by the court no later than 21 days before the expiration of the subject
13 deadline. A request made within 21 days of the subject deadline must be supported
14 by a showing of good cause. A request made after the expiration of the subject
15 deadline will not be granted unless the movant also demonstrates that the failure to
16 act was the result of excusable neglect.

17 The parties request for an extension of discovery complies with Local Rules 6-1 and 26-4 and
18 should be granted. The Request for an extension is based on good cause and any deadlines missed
19 was due to excusable neglect. Defendants have met and conferred with Plaintiff's counsel and they
20 agreed to the proposed schedule.

21 The following is a list of current discovery deadlines and the parties' proposed extended
22 deadlines:

Scheduled Event	Current Deadline	Proposed New Deadline
Protective Order	<i>October 15, 2018</i>	<i>March 15, 2019</i>
Interim Status Report	<i>January 24, 2019</i>	<i>April 30, 2019</i>
Discovery Cut-off	<i>March 25, 2019</i>	<i>May 24, 2019</i>
Deadline to File Dispositive Motion	<i>April 24, 2019</i>	<i>June 21, 2019</i>
Pretrial Order	<i>May 24, 2019</i>	<i>July 19, 2019</i>

1 This extension of time will allow sufficient time to conduct discovery in this case, prepare
2 dispositive motions, and adequately prepare the respective cases for trial.

3 This is the first request for extension of time in this matter. The parties respectfully submit
4 that the reasons set forth above constitute compelling reasons, good cause, and excusable neglect for
5 the short extension.

6 APPROVED AS TO FORM AND CONTENT.

7
8 DATED this 8th day of March, 2019.

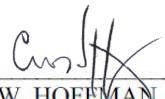
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15 IT IS SO ORDERED.

16 DATED: Mar 13, 2019

17 
18 C.W. HOFFMAN, JR.
19 UNITED STATES MAGISTRATE JUDGE

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ORDER

IT IS SO ORDERED.

DATED: _____

UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that I am an employee of LEWIS BRISBOIS
3 BISGAARD & SMITH LLP and that on this 8th day of March 2019, I did cause a true and correct
4 copy of the foregoing **DEFENDANT'S NOTICE OF TAKING DEPOSITION OF PLAINTIFF**
5 **SHAMEEKA PAIGE** to be served via electronic service by the U.S. District Court CM/ECF system
6 to the parties on the Electronic Filing System.

7

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